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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

OCT 5 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of

RAYMOND W. CLANTON

LOREN F. SELZNICK

For Construction Permit  
for a new FM Station on  
Channel 279A in El Rio,  
California

MM Docket No. 93-87

File No. BPH-911216MC

File No. BPH-911216MD

To: Administrative Law Judge  
John M. Frysiak

MOTION TO DISMISS APPLICATION OF LOREN F. SELZNICK

Raymond W. Clanton, by his attorney, respectfully moves to dismiss the above-captioned application of Loren F. Selznick for failure to comply with the provisions of Section 73.3594 of the Commission's rules. In support thereof, the following is shown.

The above-cited rule requires each applicant to give public notice that the Commission has designated its application for hearing. It provides that the public notice be published in a newspaper published in the proposed community of license or (if there is none) serving such community, and that it contain the information specified in the rule. The notice is to be published twice a week for two consecutive weeks within the 3-week period immediately following release of the hearing designation order. The applicant must then file a statement of such publication with the Commission

*CTG*

within 7 days of the last day of publication of the notice.  
Section 73.3594(g).

The Hearing Designation Order in the instant proceeding was released on April 1, 1993. However, the procedural dates were stayed by Order 93M-207, released April 28, 1993. By Order, 93M-532, released August 17, 1993, the presiding ALJ removed the stay of procedural dates and the hearing proceedings have resumed in earnest.

Selznick has not filed her statement of publication in compliance with Section 73.3594(g). Attached hereto is a list of all filings with the Commission in this proceeding, obtained this day from the Commission's Docket Section. No mention of Selznick having filed a notice pursuant to Section 73.3594 appears therein.

Section 73.3594(h) of the Commission's rules states as follows:

The failure to comply with the provisions of this section is cause for dismissal of an application with prejudice.

While this paragraph goes on to state that the presiding officer may extend the time for publishing notice, such extension may be granted only upon a showing of special circumstances. Selznick has shown no special circumstances; she has not even addressed this requirement in any pleading.

The Hearing Designation Order was released more than six months ago. The stay of procedural dates did not occur until 28 days after such release, by which time Selznick's publica-

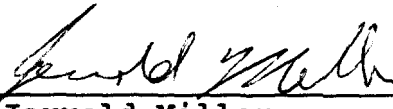
tion should have been well underway, if not completed. The stay of procedural dates ended 49 days ago, more than sufficient time for Selznick to file her Section 73.3594(g) notice.

It is abundantly clear that Selznick has violated and continues to be in violation of Section 73.3594 of the Commission's rules. Such violation "is cause for dismissal of an application with prejudice."

Accordingly, Selznick's application must be dismissed, the hearing canceled, and Clanton's application, as the sole remaining application, granted.

Respectfully submitted,

RAYMOND W. CLANTON

By   
Jerrold Miller  
His Attorney

October 5, 1993

Miller & Miller, P.C.  
P.O. Box 33003  
Washington, DC 20033

FEDERAL COMMUNICATIONS COMMISSION

Record Image Processing System

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DKT/RM NO: 93-87  
DOCUMENT: N/A  
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DOCKET

Bur: MM Dkt/RM No: 93-87      Open/Closed: 0    Restricted: R      POST  
Assoc RM:  
File No: BPH-911216MC; BPH-911216MD  
Subject: FOR CONSTRUCTION PERMIT FOR A NEW FM STATION  
Applicant/Petitioner: RAYMOND W. CLANTON; LOREN F. SELZNICK  
Filed by:  
Location: EL RIO, CA  
Channel: 279A      Call Sign:      Date Closed:  
Appeal No:  
Designation Date: 032393      Cmsn Decn: 0      PN Date: 0  
ID Date: 0      Docket Created: 040193      NPRM/NOI Date: 0  
OA Date: 0      Eff. Date: 0      R&O Date:  
RB Decn:      Rules Sec:

\*\*\*\*\* DKT/RM: 93-87 \*\*\*

09/30/93 DOC TYPE: DEPOSITION  
APPL : RAYMOND W. CLANTON ATT: BPH-911216MC ET AL.  
LAW FIRM: MILLER & MILLER, P.C. MILLER, JERROLD  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 2 EXPARTE:

09/29/93 DOC TYPE: MO&O  
APPL : ALJ ATT: BPH-911216MC ET AL.  
LAW FIRM: FCC FRYSIK, JOHN M.  
RELEASE/DENIED: 09/27/93 FCC/DA#: 93M-622  
RM#: VIEWING STATUS: 0 EXPARTE:

09/28/93 DOC TYPE: MO&O  
APPL : ALJ ATT: BPH-911216MC ET AL.  
LAW FIRM: FCC FRYSIK, JOHN M.  
RELEASE/DENIED: 09/30/93 FCC/DA#: 93M-625  
RM#: VIEWING STATUS: 0 EXPARTE:

09/24/93 DOC TYPE: LETTER  
APPL : RAYMOND W. CLANTON ATT: BPH-911216MC  
LAW FIRM: MILLER & MILLER MILLER, JERROLD  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

09/23/93 DOC TYPE: MOTION  
APPL : LOREN SELZNICK ATT: BPH-911216MC ET AL.  
LAW FIRM: PEPPER & CORAZZINI THOMPSON, ROBERT L.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

09/22/93 DOC TYPE: REPLY  
APPL : RAYMOND W. CLANTON ATT: BPH-911216MC ET AL.  
LAW FIRM: MILLER & MILLER, P.C. MILLER, JERROLD  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

09/22/93 DOC TYPE: PETITION  
APPL : LOREN SELZNICK ATT: BPH-911216MC ET AL.  
LAW FIRM: THOMPSON, ROBERT L.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

\*\*\*\*\* DKT/RM: 93-87 \*\*\*

09/22/93 DOC TYPE: ORDER  
APPL : ALJ ATT: BPH-911216MC ET AL.  
LAW FIRM: FCC FRYSIK, JOHN M.  
RELEASE/DENIED: 09/24/93 FCC/DA#: 93M-612  
RM#: VIEWING STATUS: 0 EXPARTE:

09/17/93 DOC TYPE: PETITION  
APPL : LOREN SELZNICK ATT:  
LAW FIRM: PEPPER & CORAZZINI THOMPSON, ROBERT L.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

09/17/93 DOC TYPE: ORDER  
APPL : ALJ ATT: BPH-911216MC ET AL.

LAW FIRM: FCC FRYSIK, JOHN M.  
RELEASE/DENIED: 09/20/93 FCC/DA#: 93M-598  
RM#: VIEWING STATUS: 0 EXPARTE:

09/16/93 DOC TYPE: OPPOSE  
APPL : LOREN SELZNICK ATT: BPH-911216MC ET AL.  
LAW FIRM: PEPPER & CORAZZINI THOMPSON, ROBERT L.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

09/16/93 DOC TYPE: MOTION  
APPL : LOREN SELZNICK ATT: BPH-911216MC ET AL.  
LAW FIRM: PEPPER & CORAZZINI THOMPSON, ROBERT L.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

09/16/93 DOC TYPE: OPPOSE  
APPL : LOREN SELZNICK ATT: BPH-911216MC ET AL.  
LAW FIRM: PEPPER & CORAZZINI THOMPSON, ROBERT L.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

09/15/93 DOC TYPE: MO&O  
APPL : ALJ ATT: BPH-911216MC ET AL.  
LAW FIRM: FCC FRYSIK, JOHN M.  
RELEASE/DENIED: 09/17/93 FCC/DA#: 93M-592  
RM#: VIEWING STATUS: 0 EXPARTE:

09/10/93 DOC TYPE: REPLY  
APPL : LOREN SELZNICK ATT: BPH-911216MD ET AL.  
LAW FIRM: PEPPER & CORAZZINI THOMPSON, ROBERT L.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

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09/10/93 DOC TYPE: MO&O  
APPL : ALJ ATT: BPH-911216MC ET AL.  
LAW FIRM: FCC FRYSIK, JOHN M.  
RELEASE/DENIED: 09/13/93 FCC/DA#: 93M-583  
RM#: VIEWING STATUS: 0 EXPARTE:

09/07/93 DOC TYPE: LEAVE AMEND  
APPL : RAYMOND W. CLANTON ATT: BPH-911216MC ET AL.  
LAW FIRM: MILLER & MILLER, P.C. MILLER, JERROLD  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

09/03/93 DOC TYPE: PETITION  
APPL : RAYMOND W. CLANTON ATT: BPH-911216MC ET AL.  
LAW FIRM: MILLER & MILLER, P.C. MILLER, JERROLD  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

09/03/93 DOC TYPE: OPPOSE  
APPL : RAYMOND W. CLANTON ATT: BPH-911216MC ET AL.  
LAW FIRM: MILLER & MILLER, P.C. MILLER, JERROLD  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

08/31/93 DOC TYPE: STATEMENT  
 APPL : LOREN F. SELZNICK ATT: BPH-911216MC ET AL.  
 LAW FIRM: PEPPER & CORAZZINI THOMPSON, ROBERT L.  
 RELEASE/DENIED: FCC/DA#:  
 RM#: VIEWING STATUS: 0 EXPARTE:

08/31/93 DOC TYPE: PROOF PUB  
 APPL : RAYMOND W. CLANTON ATT: BPH-911216MC ET AL  
 LAW FIRM: MILLER & MILLER, P. C. NEELY, JOHN S.  
 RELEASE/DENIED: FCC/DA#:  
 RM#: VIEWING STATUS: 0 EXPARTE:

08/30/93 DOC TYPE: LEAVE AMEND  
 APPL : LOREN F. SELZNICK ATT: BPH-911216MC ET AL.  
 LAW FIRM: PEPPER & CORAZZINI THOMPSON, ROBERT L.  
 RELEASE/DENIED: FCC/DA#:  
 RM#: VIEWING STATUS: 0 EXPARTE:

08/30/93 DOC TYPE: OPPOSE  
 APPL : RAYMOND W. CLANTON ATT: BPH-911216MC ET AL.  
 LAW FIRM: MILLER & MILLER, P.C. MILLER, JERROLD  
 RELEASE/DENIED: FCC/DA#:  
 RM#: VIEWING STATUS: 0 EXPARTE:

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08/23/93 DOC TYPE: MOTION  
 APPL : LOREN SELZNICK ATT: BPH-911216MC ET AL.  
 LAW FIRM: PEPPER & CORAZZINI THOMPSON, ROBERT L.  
 RELEASE/DENIED: FCC/DA#:  
 RM#: VIEWING STATUS: 0 EXPARTE:

08/16/93 DOC TYPE: ORDER  
 APPL : ALJ ATT: BPH-911216MC ET AL.  
 LAW FIRM: FCC FRYSIK, JOHN M.  
 RELEASE/DENIED: 08/17/93 FCC/DA#: 93M-532  
 RM#: VIEWING STATUS: 0 EXPARTE:

08/12/93 DOC TYPE: MOTION  
 APPL : LOREN SELZNICK ATT: BPH-911216MC ET AL.  
 LAW FIRM: PEPPER & CORAZZINI THOMPSON, ROBERT L.  
 RELEASE/DENIED: FCC/DA#:  
 RM#: VIEWING STATUS: 0 EXPARTE:

08/09/93 DOC TYPE: CH ADDRESS  
 APPL : LOREN F. SELZNICK ATT: BPH-911216MC ET AL.  
 LAW FIRM: PEPPER & CORAZZINI THOMPSON, ROBERT L.  
 RELEASE/DENIED: FCC/DA#:  
 RM#: VIEWING STATUS: 0 EXPARTE:

05/11/93 DOC TYPE: ORDER  
 APPL : ALJ ATT: BPH-911216MC ET AL.  
 LAW FIRM: FCC FRYSIK, JOHN M.  
 RELEASE/DENIED: 05/13/93 FCC/DA#: 93M-252  
 RM#: VIEWING STATUS: 0 EXPARTE:

04/28/93 DOC TYPE: LEAVE AMEND  
 APPL : LOREN F. SELZNICK ATT: BPH-911216MC ET AL.  
 LAW FIRM: ARENT FOX KINTNER TANNENWALD, PETER  
 RELEASE/DENIED: FCC/DA#:

RM#: VIEWING STATUS: 0 EXPARTE:

04/27/93 DOC TYPE: ORDER  
APPL : ALJ ATT: BPH-911216MC ET AL.  
LAW FIRM: FCC FRYSIK, JOHN M.  
RELEASE/DENIED: 04/28/93 FCC/DA#: 93M-207  
RM#: VIEWING STATUS: 0 EXPARTE:

04/26/93 DOC TYPE: STATEMENT  
APPL : RAYMOND W. CLANTON ATT: BPH-911216MC ET AL.  
LAW FIRM: MILLER & MILLER, P.C. MILLER, JERROLD  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

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04/21/93 DOC TYPE: APPEARANCE  
APPL : RAYMOND W. CLANTON ATT: BPH-911216MC  
LAW FIRM: MILLER & MILLER, P.C. MILLER, JERROLD  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

04/21/93 DOC TYPE: APPEARANCE  
APPL : LOREN F. SELZNICK ATT: BPH-911216MC ET AL.  
LAW FIRM: ARENT, FOX, KINTNER TANNENWALD, PETER  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

04/21/93 DOC TYPE: PETITION  
APPL : LOREN F. SELZNICK ET AL. ATT: BPH-911216MC ET AL.  
LAW FIRM: ARENT FOX KINTNER, ETC. TANNENWALD, PETER  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

04/15/93 DOC TYPE: PREHEARING  
APPL : ALJ ATT: BPH-911216MC ET AL.  
LAW FIRM: FCC FRYSIK, JOHN M.  
RELEASE/DENIED: 04/19/93 FCC/DA#: 93M-167  
RM#: VIEWING STATUS: 0 EXPARTE:

04/02/93 DOC TYPE: ORDER  
APPL : ALJ ATT: BPH-911216MC ET AL.  
LAW FIRM: FCC STIRMER, JOSEPH  
RELEASE/DENIED: 04/06/93 FCC/DA#: 93M-142  
RM#: VIEWING STATUS: 0 EXPARTE:

03/23/93 DOC TYPE: HDO  
APPL : AUDIO SERVICES DIVISION ATT: BPH-911216MC ET AL.  
LAW FIRM: FCC GAY, W. JAN  
RELEASE/DENIED: 04/01/93 FCC/DA#: DA 93-347  
RM#: VIEWING STATUS: 0 EXPARTE:

03/12/93 DOC TYPE: MOTION  
APPL : RAYMOND W. CLANTON ATT: BPH-911216  
LAW FIRM: MILLER & MILLER MILLER, JERROLD  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

10/09/92 DOC TYPE: LEAVE AMEND  
APPL : RAYMOND W. CLANTON ATT: BPH-911216MC



LAW FIRM: MILLER & MILLER MILLER, JERROLD  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

: : : : : \*\*\* DKT/RM: 93-87 \*\*\* : : : : :

05/04/92 DOC TYPE: AMENDMENT  
APPL : RAYMOND W. CLANTON ATT: BPH-911216MC  
LAW FIRM: MILLER & MILLER NEELY, JOHN S.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

03/10/92 DOC TYPE: AMENDMENT  
APPL : RAYMOND W. CLANTON ATT: BPH-911216MC  
LAW FIRM: MILLER & MILLER NEELY, JOHN S.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

02/24/92 DOC TYPE: AMENDMENT  
APPL : LOREN F. SELZNICK ATT: BPH-911216MD  
LAW FIRM: ARENT FOX KINTNER TANNENWALD, PETER  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

12/16/91 DOC TYPE: APPLICATION  
APPL : RAYMOND W. CLANTON ATT: BPH-911216MC  
LAW FIRM: MILLER & MILLER NEELY, JOHN S.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

12/16/91 DOC TYPE: APPLICATION  
APPL : LOREN F. SELZNICK ATT: BPH-911216MD  
LAW FIRM: ARENT FOX KINTNER TANNENWALD, PETER  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

CERTIFICATE OF SERVICE

I hereby certify that on this 5 day of October, 1993

a copy of the foregoing document was hand delivered to the following:

Paulette Laden, Esq.  
Hearing Branch, Enforcement Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, NW, Suite 7212  
Washington, DC 20554

Robert L. Thompson, ESq.  
Pepper & Corazzini  
1776 K Street, NW, Suite 200  
Washington, DC 20006

Robin Zuer